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8
9 UNITED STATES BANKRUPTCY COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12 In re:

13
14 Robert William Friend, Jr., d.b.a. Spike and
15 Spark Construction,

16 Debtor.
17

CASE NO.: 10-27852-B-7

Chapter 7

DC No. MCB-6

Date: May 18, 2010

Time: 9:32 a.m.

Location: Sacramento Division
501 I. Street, 6th Floor
Courtroom 32, Sacramento, CA

18 MOTION BY SECURED CREDITOR TO COMPEL ABANDONMENT OF REAL
19 PROPERTY ASSET

20 Ellis and Pat Shepherd, secured creditors herein, hereby move the Court as follows:

21 Secured Creditors seek an order compelling Michael P. Dacquist, the Chapter 7
22 Trustee in the above-captioned bankruptcy case, to abandon the following real property:

23 COUNTY

STATE

IDENTIFICATION/APN

24 Calaveras

California

25 Lot 367 as shown at that certain Map entitled
"Greenhorn Creek Subdivision, Unit 2C," filed in
the Office of the Recorder of Calaveras County,

Shepherd.MtnAbandon.Motion

1 State of California, on June 28, 2001 in Book 7 of
2 Subdivisions, at Page 61, Calaveras County
3 Records. Commonly known as 739 Grinding Rock
4 Rd., Angels Camp, 95222. Assessor's Parcel No.
5 058-080-003.

6 Jurisdiction for the filing of this motion exists pursuant to 28 U.S.C. § 157 and 1334;
7 11 U.S.C. § 554(a). A creditor may file a motion for a court order requiring the trustee or
8 debtor to abandon property pursuant to §554, above. [11 USC §554(b) – “on request of a
9 party in interest and after notice and a hearing...”; FRBP 6007(b)] 11 U.S.C. §554(b)
10 provides: “[o]n request of a party in interest and after notice and a hearing, the court may
11 order the trustee to abandon any property of the estate that is burdensome to the estate or
12 that is of inconsequential value and benefit to the estate.”

13 The real property identified above is of inconsequential value and benefit to the
14 estate [Bowman Declaration 2:13-15]. Creditors have a secured claim on the subject
15 property that exceeds fair market value [Bowman Declaration 2:4-6].

16 WHEREFORE, secured creditors respectfully request that the Court order that the
17 above referenced real property be abandoned.

18 DATED: May 3, 2010

19 /s/
20 Mark Charles Bowman, Attorney for
21 Creditors Pat and Ellis Shepherd